

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

## **Objection to Schnabel Transit Mix Groundwater misrepresentation Permit M2017049**

Cheri Kimble <g.kimble@pcisys.net>

Thu, Mar 29, 2018 at 1:20 PM

To: "Eschberger - DNR, Amy" <amy.eschberger@state.co.us> Cc: Nancy Reed <ncr.turkeycreek@gmail.com>, Rich Larsen <rlarsensh@aol.com>, Eric.Scott@state.co.us, Amanda Bradley <aab@ablawcolorado.com>, Carrie Bernstein <csb@ablawcolorado.com>

Amy and Eric,

Below is my objection to the misrepresentation to the adequacy Groundwater review item 4 submitted to you by Jerry Schnabel.

In the 2018-03-09\_Permit File - M2017049 (6) page 49, 50 Under DRMS COMMENTS – ERIC SCOTT – ADEQUACY REVIEW OF GROUNDWATER INFORMATION

4) The applicant should clarify whether any attempt has been made to measure/monitor water levels in the adjacent domestic wells.

**Response:** Transit Mix has requested meetings with Eagles Nest landowners, and these requests have been denied. Therefore, no water levels have been measure from the nearby locations. ....

I want to **complain about this above misrepresentation and excuse from Transit Mix**. It is true that Jerry Schnabel had contacted Nancy Reed the President of our informal Eagles Nest Association. She explained to him several time that the association is not a legal HOA and that while she has contact information for some owners, she does not and cannot speak for anyone but herself.

Nancy brought up in July of 2017 that Jerry Schnabel wanted to meet with Eagles Nest owners. We all voted to say we would meet, but **only** if Jerry would write down the proposals he wanted to discuss. Jerry failed to do so after repeated conversations with only Nancy Reed who repeated the request for written proposals. It was not until **Feb 27<sup>th</sup>**, **2018** (see attached letter) that I/we received the attached communication dated Feb. 26<sup>th</sup>, 2018 to Eagles Nest owners.

#### Please note in the attached letter that there is NO MENTION OF MONITORING ANY WELLS IN EAGLES NEST!!!!!!

I also want to point out that Richard and Sue Larson have one of the

wells that the application states will be affected. They were never contacted by Jerry Schnabel. His

3/29/2018

State.co.us Executive Branch Mail - Objection to Schnabel Transit Mix Groundwater misrepresentation Permit M2017049 answer to your adequacy review is entirely inadequate and false. We appreciate that Eric thought that monitoring would be a reasonable thing that Transit Mix should do but Transit Mix doesn't really want to protect us, just make a profit at our expense.

This misrepresentation is typical of previous encounters with Jerry Schnabel and is the reason that Eagles Nest Owners want things in writing as he has misrepresented things discussed with us in his previous application with CDRMS.

I have copied Nancy Reed and Richard Larsen as well as my attorney Amanda Bradley and her associate Carrie Bernstein for their information.

regards,

Cheryl L. Kimble 719-210-9932

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# TRANSIT MIX CONCRETE CO.



Feb. 26, 2018

Dear Eagles nest residents:

In response to our conversations I am gathering the Mining Permits controlled by Transit Mix and affiliated companies both active and past operations:

**Continental Materials Corporation** 

Transit Mix Concrete Co.

Transit Mix Concrete Company

**Castle Concrete Company** 

Please see the attached documents.

Also I am confirming my earlier text message that Transit Mix is willing to commit to the following discussions regarding the future efforts at the proposed Hitch Rack Quarry.

- Transit mix will use company equipment and personnel to maintain the roads through the upper portion of the Hitch Rack and the roads within the Eagles Nest Subdivision
- Transit Mix will assist in the improved water crossings by donating man power and equipment to install improvements as engineered by others.
- We will provide the electrical power extension to the west boundary of the Hitch Rack Quarry.
- We will construct and maintain a helicopter landing pad on the Lower Ranch at Hitch Rack.
- Noise and vibration monitors will be installed per the permit, and the information shared with the Eagles Nest residents in a timely manner.
- All blast notices will be posted on line
- The water maintained on site and water vehicles will also be available for emergency use by the Eagles Nest Residents

We are also willing to discuss the warranty on water wells and the mineral value that is potentially in Eagles Nest. These are conversations the can lead to a formal document if we agree.

Sincerely, rad Schuell

Jerald Schnabel

P.O. BOX 1030 P.O. BOX 857

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Permit Issued Permit Status

Section

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Contact Address Line 1 Address Line 2

City State Zip Code

Colorado Springs CO 80901-1030 (719) 598-0215

Rick Paraday P.O. Box 2379

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